IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 67 of 2007(G)

PETITIONER:

BINY SEBASTIAN, W/O. RAJAN MATHEW,
VADAKKEMURIYIL HOUSE, VADAKKENCHERRY,
PRESENTLY EMPLOYED AS SUB ENGINEER,
ELECTRICAL SECTION, ALATHUR.

BY ADV. SRI.S.B.PREMACHANDRA PRABHU

RESPONDENTS:
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1. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL CIRCLE, PALAKKAD.

2. THE ASST. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SUB DIVISION, ALATHUR.

3. SURESH KUMAR,
SUB ENGINEER, KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SECTION, KUNISSERY.

R1 & 2 BY SC SHRI. K.S.ANIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 67 OF 2007

Dated this the 11th January, 2007.

JUDGMENT

The petitioner is a Sub Engineer in the service of the Kerala State Electricity Board. While working as such in the Electrical Section, Alathur she has been transferred by Ext.P1 order as Sub Engineer to Electrical Division, Alathur. In the remarks column of Ext.P1 it is stated that the transfer is on request made by the petitioner and that she will not be entitled for T.A and joining time. It is specifically averred in the writ petition that the petitioner did not make any request for transfer from Electrical Section, Alathur to Electrical Division, Alathur and the statement to the contrary contained in the remarks column is factually incorrect. It is stated that the office of Electrical Division, Alathur is situated away from the main bus route and it would be inconvenient for a lady to attend duties in the Electrical Division which is in a remote place. It is also contended that she has been disturbed to accommodate the third respondent and the transfer does not involve any public interest.

2. Legal Liaison Officer on instruction submits that the distance between the Electrical Section and the Electrical Division, Alathur is only 400 mtrs. and the petitioner cannot have any genuine grievance. However, it

is contended that the petitioner did not make any request for transfer to Electrical Division, Alathur though she had on an earlier occasion made a request for a posting at Vadakkancherry.

3. Counsel for the petitioner submits that this Court may record the statement made on behalf of the respondents that the transfer was not on the request of the petitioner and that she will be entitled to claim T.A and joining time. Statement made by the Legal Liaison Officer is recorded.

4. The contentions raised by the parties rest on a disputed question of fact viz., the distance between the two offices and the alleged remoteness of the place where the Electrical Division is housed. Therefore, the petitioner, if so advised, may file representation before the first respondent who will consider the same and take appropriate decision. The representation, shall be filed within two weeks from the date of receipt of a copy of the judgment. The first respondent shall pass orders within three weeks thereafter. With the above direction the writ petition is disposed of.

K.K.DENESAN
Judge

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